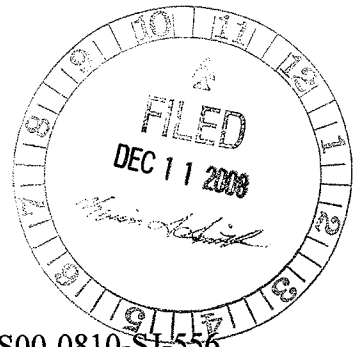


In the
Indiana Supreme Court



Valgene ROYAL
Petitioner

vs.

STATE of Indiana
Respondent

) Supreme Court No. 64S00-0810-SJ-556
)
)
)

) Case No. 64D04-0801-PC-616
)
)

) in the Porter Superior Court
)
)

ORDER REMANDING JURISDICTION TO TRIAL COURT

The Clerk of the Porter Superior Court, pursuant to Ind.Trial Rule 53.1, certifies this matter here for the appointment of a special judge.

And this Court, being duly advised, now finds that jurisdiction of this matter should be remanded to the Porter Superior Court and Judge David L. Chidester. The Chronological Case Summary reveals that the court dismissed the motion petitioner alleges the court did not rule upon on June 9, 2008, prior to the filing of the praecipe for withdrawal of the submission on October 1, 2008. Additionally, this case being a petition for post conviction relief, the time requirements of Ind. Trial Rule 53.1 are not applicable. Ind. Trial Rule 53.1(B)(4). As such, withdrawal of the submission was not proper

IT IS, THEREFORE, ORDERED that jurisdiction of this matter is remanded to the Porter Superior Court and Judge Chidester.

The Clerk of this Court is directed to forward notice of this Order to the Hon. David L. Chidester, Porter Superior Court, 16 Lincolnway, #228, Valparaiso, IN 46383, and to the Clerk of the Porter Superior Court.

The Clerk of the Porter Superior Court is directed to forward notice of this Order to all parties of record in the case below.

DONE at Indianapolis, Indiana, this 11th day of December, 2008.

Randall T. Shepard
Chief Justice of Indiana